

PRE-APPEAL BRIEF REQUEST FOR REVIEW (filed with the Notice of Appeal)		Docket Number 042933/273645
Application Number 10/774,670	Filed February 9, 2004	
First Named Inventor: Andrea Finke-Anlauff		
Art Unit 2161	Examiner Chelcie L. Daye	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p style="text-align: right;">Respectfully submitted,</p> <p style="text-align: right;"><i>/Richard D. Emery/</i></p> <p style="text-align: right;">Richard D. Emery Registration No. 58,894</p> <p>Date <u>December 18, 2007</u></p> <p>Customer No. 00826 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Charlotte Office (704) 444-1000 Fax Charlotte Office (704) 444-1111</p> <p>ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON DECEMBER 18, 2007.</p>		

REMARKS

This communication is filed in response to the final Official Action dated July 19, 2007. The Official Action rejects independent Claims 1 and 35 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,301,586 to Yang *et al.* ("*Yang*").

Claim 1 reads as follows:

1. (Previously Presented) A computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions configured to be executed by a processing device to provide access to media files on a digital device, the computer-readable program instructions comprising:

first instructions for generating a media view that provides access to at least one digital media file and associates the at least one digital media file with a period of time; and
second instructions for generating media file representations within the media view such that the media file representations associated with a period of time are enlarged media file representations when the period of time is proximate a predefined position within the media view.

Claim 35 also includes the recitation "second instructions for generating media file representations within the media view such that the media file representations associated with a period of time are enlarged media file representations when the period of time is proximate a predefined position within the media view."

Yang is alleged in the Official Action to disclose "second instructions for generating media file representations within the media view such that the media file representations associated with a period of time are enlarged media file representations when the period of time is proximate a predefined position within the media view," as recited in Claims 1 and 35. See p. 3 of the Official Action. Specifically, the Official Action excerpts col. 12, ll. 26-52 of *Yang* (see p. 7 of the Official Action), which reads:

All of the existing albums will be listed in the vertical menu 146. The first vertical menu is "All Albums Info" menu. Each icon (or button) in menu 146 corresponds to a collection of albums. By clicking "All Albums Info" menu, the user can view information about the collection such as album names, collection names, description about the albums, date/time created, date/time modified, and the icon file name that represents the created album.

The remainder of the vertical menu represents the collections created by the user. By clicking any of the vertical menus, the user can view all of the albums created under each of the collections. Each album is represented by a double clickable icon such as icon 147. The user can create as many albums as he/she wants. If there isn't enough space for displaying all of the

created album icons, two scroll buttons will be displayed for the user to scroll up and down to browse all of the albums that belong to the same collection.

By single clicking the album icon, the user can preview the currently selected album. The user can open the selected album by double clicking the album icon button as shown at 148 in FIG. 7. Once the album is opened, the user can view the album in three different views as shown in FIG. 8: Thumbnail view, Notebook view, and Spreadsheet view.

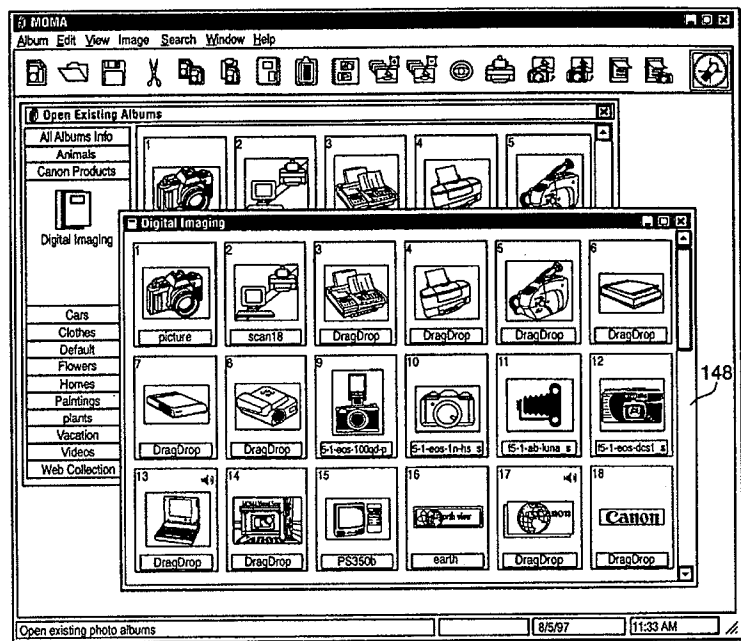


FIG. 7

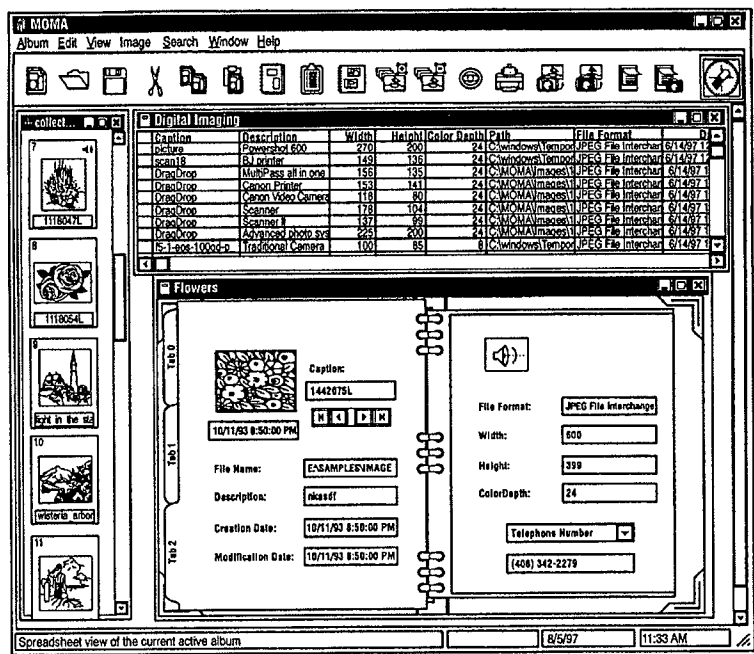


FIG. 8

Of the above cited portions of *Yang*, the Official Action states (see pp. 7-8 of the Official Action) that the...

albums being listed within the vertical menu and the user being able to double click the album in order to open the needed album, once the album is open the user can choose a view in order to preview the album. One of the different view options is the "Notebook" view, which provides a larger view of the album. Further, Fig.26 and column 14, lines 45-51 disclose an "Album Slide Show" which allows a user to view the album contents in terms of a slideshow with different control options. One of the control options being a selectable re-sizing image. As such, when the user opts to demonstrate an album slideshow the images with the date/time information will sequentially pop-up on the screen and since the user has the option of choosing the number of images per page (1-4 per page), if the user chooses one image per page, than the image is an enlarged version of the default image (i.e. thumbnail view). For more information on the different number of images per page see columns 15-16, lines 30-67 and 1-67, respectively. Lastly, column 21, lines further details the "Notebook" view and its size and association in relation to the "Thumbnail" view, which is the default album view (see columns 22-23, lines 60-67 and 1-31, respectively).

Figure 26 of *Yang*, to which the Official Action refers, is shown below.

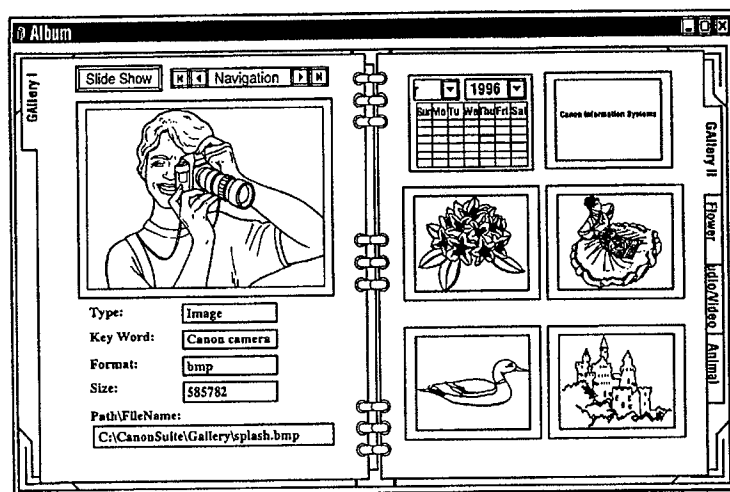


FIG. 26

It is apparent from the above excerpts from *Yang*, as well as from the characterization of *Yang* in the Official Action, that *Yang* allows a user to exert some control over the sizes of images being viewed as part of an album or collection of albums, e.g., as part of an “Album Slide Show” or in a “Notebook view.” However, Applicants cannot see how these features are related to the generation of media file representations within a media view such that the media file representations associated with a period of time are enlarged when the period of time is proximate a predefined position within the media view. For example, images in *Yang* may be larger in a “Notebook view” than in a “Thumbnail view,” but these size differences are unrelated to time or position in any “media view.” Similarly, the sequential, chronological display of individual images, such as through use of the “Album Slide Show” of *Yang*, where the displayed images have sizes larger than a typical thumbnail image size in the “Thumbnail view,” does not appear to relate the to the sizing of media file representations based on a relative time or position within a media view.

For at least all of the above reasons, the rejections of Claims 1 and 35, and that of each of the claims depending therefrom, should be reversed.